

REMARKS/ARGUMENTS

A replacement drawing sheet for Fig. 10 containing a proposed amendment for the approval of the Examiner is enclosed. Fig. 10 is proposed to be amended to include reference numeral 92 pointing to the inner glass pane in conformity with page 16, lines 13-15, of the specification.

Claims 25-46, 49, and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by Rosa et al., U.S. Patent No. 6,632,373 B1. Reconsideration of the rejection is respectfully requested.

Claims 47, 48, and 50-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosa et al. Reconsideration of the rejection is respectfully requested.

It is also noted that the Examiner contends that Miller et al., US 2002/0171327A1, discloses an apparatus satisfying claim 25, (Office Action, page 5, paragraph 5, lines 2-3).

Independent claim 25 has been amended to provide, in part, for, “[a]n apparatus with mirror elements for large-area light deflection, ... and with a conductive layer being provided as a common control electrode to produce at least common movement of a group of mirror elements.” Antecedent basis for the amendment to independent claim 25 is found in the specification, for example, on page 4, lines 10-20, on page 8, lines 15-22, and on page 9, lines 15-23.

The Examiner contends, in support of the rejection of claims 25-46, 49, and 54, that element 410 in Rosa et al. is equivalent to one of the provisions of claim 25 before amendment herein, namely, the conductive layer provided as a common control electrode for movement of a group of mirror elements, (Office Action, page 2, paragraph 2, lines 13-14).

Element 410 in Rosa et al. is described as four actuation electrodes which are used to tilt a mirror 405 about axis 475 and axis 476, (column 4, lines 24-26). In contrast, independent claim 25 provides for a common control electrode to produce at least common movement of a group of mirror elements.

Since each of claims 26-54 is directly or indirectly dependent upon independent claim 25, each of claims 26-54 is allowable for at least the same reasons recited above with respect to the allowability of independent claim 25.

In addition, with regard to the obviousness rejection of claims 47, 48, and 50-53, the Examiner contends that, "Rosa et al discloses the claimed invention as set forth above except for the apparatus as claimed is in used for building window [sic]. It would have been obvious to one of ordinary skill in the art to use the claimed apparatus in building of window [sic] in order to create high quality deflection for advertisements," (Office Action, page 5, paragraph 4, lines 2-7).

Applicants respectfully disagree with the Examiner's conclusion of obviousness. It is respectfully submitted that the technical field of the MEMS tilt mirrors disclosed in Rosa et al. is in telecommunication, glass, fibers, and the like. In contrast, the technical field of the present claims is building faces, store fronts, and the like. It is respectfully submitted that these fields of technology are far distant from each other such that the obviousness conclusion of the Examiner is not supportable.

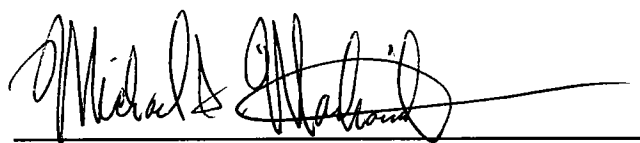
With regard to Miller et al., although it refers to an array of programmable mirrors for forming a large area deformable mirror, (paragraph [0122], lines 16-18), there appears to be no disclosure, teaching, or suggestion in Miller et al. of a conductive layer being provided as a common control electrode to produce at least common movement of a group of mirror elements.

In view of the foregoing amendments and remarks, allowance of claims 25-54 is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael I. Markowitz", written over a horizontal line.

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